

EXHIBIT A

**FINAL REDACTED
VERSION**



**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
BID PROTEST**

AMAZON WEB SERVICES, INC.,

Plaintiff,

v.

UNITED STATES OF AMERICA,
by and through the U.S. Department of Defense,

Defendant,

and

MICROSOFT CORPORATION,

Defendant-Intervenor.

Case No. 19-cv-01796

Judge Campbell-Smith

[REDACTED]
REDACTED VERSION

**PLAINTIFF AMAZON WEB SERVICES, INC.'S
NOTICE OF DEPOSITIONS**

PLEASE TAKE NOTICE that, pursuant to Rule 30 of the Rules of the Court of Federal Claims and this Court's order(s), Plaintiff Amazon Web Services, Inc. ("AWS") shall take the depositions of the following individuals at the office of Gibson, Dunn & Crutcher LLP, 1050 Connecticut Avenue, N.W., Washington, D.C. 20036-5306, at dates and times to be mutually agreed upon by the parties. The depositions will be taken before a person authorized by law to administer oaths under Rule 28. The deposition shall be recorded both stenographically and by videotape, and LiveNote may be used. If the deposition cannot be completed in one day, it will continue from day to day until completed. AWS serves this Notice of Depositions without waiver of its right to notice additional depositions and/or topics of examination as authorized by the applicable rules and the Court's order(s).

Person	Topic(s) for Examination
<p>Donald J. Trump, President of the United States¹</p>	<ul style="list-style-type: none"> a. President Trump's involvement in any aspect of the JEDI program, contract, solicitation, and/or award. b. President Trump's statements regarding: <ul style="list-style-type: none"> 1. AWS, Amazon.com, Inc. ("Amazon"), Jeffrey P. Bezos, and/or the <i>Washington Post</i>; 2. The JEDI program, contract, solicitation, and/or award. c. President Trump's communications and interactions with Oracle, Microsoft, or any other offeror for the Joint Enterprise Defense Infrastructure ("JEDI") solicitation regarding the JEDI program, contract, solicitation, and/or award, AWS, Amazon, Jeffrey P. Bezos, and/or the <i>Washington Post</i>. d. President Trump's communications and interactions with former Secretary of Defense James Mattis regarding: <ul style="list-style-type: none"> 1. The JEDI program, contract, solicitation, and/or award; 2. AWS, Amazon, Jeffrey P. Bezos, and/or the <i>Washington Post</i>; 3. The termination and/or resignation of Secretary Mattis. e. President Trump's communications and interactions with Secretary of Defense Mark Esper regarding: <ul style="list-style-type: none"> 1. The appointment of Mark Esper as Secretary of Defense; 2. The JEDI program, contract, solicitation, and/or

¹ AWS recognizes that a deposition of a sitting President of the United States presents unique circumstances and will work with the Court and the Department of Justice to develop appropriate protocols and safeguards, including to evaluate possible alternative methods, to ensure that the testimony is procured in a manner sensitive to the unique position of the Executive Office of the President.

Person	Topic(s) for Examination
	<p>award;</p> <p>3. AWS, Amazon, Jeffrey P. Bezos, and/or the <i>Washington Post</i>.</p> <p>f. President Trump's communications and interactions with Department of Defense Chief Information Officer Dana Deasy regarding:</p> <p>1. The appointment of Dana Deasy as Chief Information Officer;</p> <p>2. The JEDI program, contract, solicitation, and/or award;</p> <p>3. AWS, Amazon, Jeffrey P. Bezos, and/or the <i>Washington Post</i>.</p> <p>g. President Trump's communications and interactions with:</p> <p>1. The Source Selection Authority, [REDACTED];</p> <p>2. The Chairperson and sole member of the Source Selection Evaluation Board, [REDACTED];</p> <p>3. The Chairperson and/or any members of the Source Selection Advisory Council;</p> <p>4. Any other member of the Source Selection Team.</p> <p>h. Any documents or information in the administrative record, the Appendix, or in subsequent discovery production(s) that were drafted, edited, received, reviewed, sent, signed, or otherwise authorized by President Trump.</p>

Person	Topic(s) for Examination
<p>Hon. James Mattis, Former Secretary of Defense</p>	<ul style="list-style-type: none"> a. Secretary Mattis's involvement in any aspect of the JEDI program, contract, solicitation, and/or award. b. Secretary Mattis's communications and interactions with President Donald Trump, President Trump's advisors, White House officials, and/or any individuals employed by or acting on behalf of President Trump, his advisors, or White House officials regarding the JEDI program, contract, solicitation, and/or award, AWS, Amazon, Jeffrey P. Bezos, and/or the <i>Washington Post</i>. c. Secretary Mattis's awareness and consideration of any statements by President Trump regarding AWS, Amazon, Jeffrey P. Bezos, the <i>Washington Post</i>, and/or the JEDI program, contract, solicitation, and/or award. d. Secretary Mattis's communications and interactions with Oracle, Microsoft, and/or any other offeror for the JEDI solicitation. e. The resignation and/or termination of Secretary Mattis from his appointment as Secretary of Defense. f. Any documents or information in the administrative record, the Appendix, or in subsequent discovery production(s) that were drafted, edited, received, reviewed, sent, signed, or otherwise authorized by Secretary Mattis. g. Any documents or information <i>not</i> in the administrative record that were reviewed or considered by Secretary Mattis or DoD in connection with the JEDI program, contract, solicitation, and/or award.

<p>Hon. Mark T. Esper, Secretary of Defense</p>	<ul style="list-style-type: none">a. Secretary Esper's involvement in any aspect of the JEDI program, contract, solicitation, and/or award.b. Secretary Esper's communications and interactions with President Trump, President Trump's advisors, White House officials, and/or any individuals employed by or acting on behalf of President Trump, his advisors, or White House officials regarding the JEDI program, contract, solicitation, and/or award, AWS, Amazon, Jeffrey P. Bezos, and/or the <i>Washington Post</i>.c. Secretary Esper's awareness and consideration of any statements by President Trump regarding AWS, Amazon, Mr. Bezos, the <i>Washington Post</i>, and/or the JEDI program, contract, solicitation, and/or award.d. Secretary Esper's August 2019 decision to conduct an examination of the JEDI program, contract, solicitation, and/or award.e. Secretary Esper's communications and interactions with Oracle, Microsoft, and/or any other offeror for the JEDI solicitation.f. Secretary Esper's communications and interactions with any member of the Source Selection Team.g. Secretary Esper's decision to recuse himself from the JEDI procurement process.h. Any documents or information in the administrative record, the Appendix, or in subsequent discovery production(s) that were drafted, edited, received, reviewed, sent, signed, or otherwise authorized by Secretary Esper.i. Any documents or information <i>not</i> in the administrative record that were reviewed or considered by Secretary Esper or DoD in connection with the JEDI program, contract, solicitation, and/or award.j. Secretary Esper's interactions with, relationships with, and opinions regarding Mr. Bezos, Amazon, AWS, and/or the <i>Washington Post</i>.
--	--

Person	Topic(s) for Examination
<p>Mr. Dana Deasy, Chief Information Officer, Department of Defense</p>	<ol style="list-style-type: none"> a. Mr. Deasy's involvement in any aspect of the JEDI program, contract, solicitation, and/or award. b. Mr. Deasy's October 29, 2019, Senate confirmation hearing statements regarding the JEDI program, contract, solicitation, and/or award. c. Mr. Deasy's communications and interactions with President Trump, President Trump's advisors, White House officials, and/or any individuals employed by or acting on behalf of President Trump, his advisors, or White House officials regarding the JEDI program, contract, solicitation, and/or award, AWS, Amazon, Jeffrey P. Bezos, and/or the <i>Washington Post</i>. d. Mr. Deasy's awareness and consideration of any statements by President Trump regarding AWS, Amazon, Mr. Bezos, the <i>Washington Post</i>, and/or the JEDI program, contract, solicitation, and/or award. e. Mr. Deasy's communications and interactions with Oracle, Microsoft, and/or any other offeror for the JEDI solicitation. f. Mr. Deasy's communications and interactions with any member of the Source Selection Team. g. Any documents or information in the administrative record, the Appendix, or in subsequent discovery production(s) that were drafted, edited, received, reviewed, sent, signed, or otherwise authorized by Mr. Deasy. h. Any documents or information <i>not</i> in the administrative record that were reviewed or considered by Mr. Deasy or DoD in connection with the JEDI program, contract, solicitation, and/or award. i. Mr. Deasy's interactions with, relationships with, and opinions regarding Mr. Bezos, Amazon, AWS, and/or the <i>Washington Post</i>.

Person	Topic(s) for Examination
<p>[REDACTED] Source Selection Authority</p>	<ul style="list-style-type: none"> a. [REDACTED] involvement in any aspect of the JEDI program, contract, solicitation, and/or award. b. [REDACTED] communications and interactions with President Trump, President Trump's advisors, White House officials, and/or any individuals employed by or acting on behalf of President Trump, his advisors, or White House officials. c. [REDACTED] awareness and consideration of any statements by President Trump regarding AWS, Amazon, Mr. Bezos, the <i>Washington Post</i>, and/or the JEDI program, contract, solicitation, and/or award. d. [REDACTED] communications and interactions with Oracle, Microsoft, and/or any other offeror for the JEDI solicitation. e. [REDACTED] communications and interactions with any member of the Source Selection Team. f. Any documents or information in the administrative record, the Appendix, or in subsequent discovery production(s) that were drafted, edited, received, reviewed, sent, signed, or otherwise authorized by [REDACTED]. g. Any documents or information <i>not</i> in the administrative record that were reviewed or considered by [REDACTED] or DoD in connection with the JEDI program, contract, solicitation, and/or award. h. [REDACTED] interactions with, relationships with, and opinions regarding Mr. Bezos, Amazon, AWS, and/or the <i>Washington Post</i>.

Person	Topic(s) for Examination
[REDACTED], Chairperson of the Source Selection Advisory Council	<ul style="list-style-type: none"> a. [REDACTED] involvement in any aspect of the JEDI program, contract, solicitation, and/or award. b. [REDACTED] communications and interactions with President Trump, President Trump's advisors, White House officials, and/or any individuals employed by or acting on behalf of President Trump, his advisors, or White House officials. c. [REDACTED] awareness and consideration of any statements by President Trump regarding AWS, Amazon, Mr. Bezos, the <i>Washington Post</i>, and/or the JEDI program, contract, solicitation, and/or award. d. [REDACTED] communications and interactions with Oracle, Microsoft, and/or any other offeror for the JEDI solicitation. e. [REDACTED] communications and interactions with any member of the Source Selection Team. f. Any documents or information in the administrative record, the Appendix, or in subsequent discovery production(s) that were drafted, edited, received, reviewed, sent, signed, or otherwise authorized by [REDACTED] g. Any documents or information <i>not</i> in the administrative record that were reviewed or considered by [REDACTED] or DoD in connection with the JEDI program, contract, solicitation, and/or award. h. [REDACTED] interactions with, relationships with, and opinions regarding Mr. Bezos, Amazon, AWS, and/or the <i>Washington Post</i>.

Person	Topic(s) for Examination
[REDACTED], Chairperson of the Source Selection Evaluation Board	<ul style="list-style-type: none"> a. [REDACTED] involvement in any aspect of the JEDI program, contract, solicitation, and/or award. b. [REDACTED] communications and interactions with President Trump, President Trump's advisors, White House officials, and/or any individuals employed by or acting on behalf of President Trump, his advisors, or White House officials. c. [REDACTED] awareness and consideration of any statements by President Trump regarding AWS, Amazon, Mr. Bezos, the <i>Washington Post</i>, and/or the JEDI program, contract, solicitation, and/or award. d. [REDACTED] communications and interactions with Oracle, Microsoft, or any other offeror for the JEDI solicitation. e. [REDACTED] communications and interactions with any member of the Source Selection Team. f. Any documents or information in the administrative record, the Appendix, or in subsequent discovery production(s) that were drafted, edited, received, reviewed, sent, signed, or otherwise authorized by [REDACTED] g. Any documents or information <i>not</i> in the administrative record that were reviewed or considered by [REDACTED] or DoD in connection with the JEDI program, contract, solicitation, and/or award. h. [REDACTED] interactions with, relationships with, and opinions regarding Mr. Bezos, Amazon, AWS, and/or the <i>Washington Post</i>.

Dated: January 17, 2020

By:



Kevin P. Mullen
MORRISON & FOERSTER LLP
2000 Pennsylvania Ave., N.W.
Washington, DC 20006-1888
Telephone: 202.887.1500
Facsimile: 202.887.0763
Attorney of Record for Plaintiff
Amazon Web Services, Inc.

*Attorney of Record for Plaintiff
Amazon Web Services, Inc.*

Of Counsel:

J. Alex Ward
Daniel E. Chudd
Sandeep N. Nandivada
Caitlin A. Crujido
Alissandra D. Young
MORRISON & FOERSTER LLP
2000 Pennsylvania Ave., N.W.
Washington, DC 20006-1888

Andrew S. Tulumello
Daniel P. Chung
GIBSON, DUNN & CRUTCHER LLP
1050 Connecticut Ave., N.W.
Washington, D.C. 20036-5306

Theodore J. Boutrous, Jr.
Richard J. Doren
Eric D. Vandavelde
GIBSON, DUNN & CRUTCHER LLP
333 South Grand Ave.
Los Angeles, CA 90071-3197

EXHIBIT B

[REDACTED]

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
BID PROTEST**

AMAZON WEB SERVICES, INC.,

Plaintiff,

v.

UNITED STATES OF AMERICA,
by and through the U.S. Department of Defense,

Defendant,

and

MICROSOFT CORPORATION,

Defendant-Intervenor.

Case No. 19-cv-01796

Judge Campbell-Smith

[REDACTED]
REDACTED VERSION

**PLAINTIFF AMAZON WEB SERVICES, INC.'S
FIRST SET OF INTERROGATORIES**

Pursuant to Rule 36 of the Rules of the Court of Federal Claims and this Court's order(s), Plaintiff Amazon Web Services, Inc. ("AWS") hereby requests that within fourteen (14) days of the date of service of this document, Defendant United States, by and through the United States Department of Defense ("DoD"), answer the following interrogatories. All terms used herein shall have the same meaning as set forth in AWS's Renewed Motion to Supplement the Administrative Record. AWS propounds this First Set of Interrogatories without waiver of its right to propound additional interrogatories as authorized by the applicable rules and the Court's order(s).

INTERROGATORIES

1. Please explain all bases and reasons for Secretary of Defense Mark Esper's order to examine the JEDI award process on August 1, 2019.

2. Please describe all actions that were taken in response to Secretary Esper's August 1, 2019, order to examine the JEDI award process, including all persons involved and the outcome(s) of those actions.

3. Please explain why Secretary Esper recused himself in October 2019 from the JEDI source selection decision, including the reasons for the timing of his recusal, and the extent of his participation in the JEDI source selection decision prior to his recusal.

4. Please explain how and why the members of the Source Selection Team (including the Technical Evaluation Board, Price Evaluation Board, Source Selection Evaluation Board, Source Selection Advisory Committee, and Source Selection Authority) were selected.

5. Did the Source Selection Authority modify in any way the recommendation of the Source Selection Advisory Council and/or Source Selection Evaluation Board? If so, please describe the modifications that were made, the time of the modification(s), and the reason(s) for the modification(s).

6. Please explain all events and interactions relating to the JEDI award that occurred between the October 17, 2019, execution of the Source Selection Decision Document, and the October 25, 2019, public announcement of the JEDI award to Microsoft. To the extent any individual(s) was informed of the JEDI award decision during this time frame, please identify the individual(s), the substance of the communication(s), and the reason(s) for the communication(s).

7. Please explain what steps, if any, DoD took to ensure that the individuals involved in the JEDI source selection process were not influenced by the public or private statements of President Trump, his advisors, White House officials, and/or any individuals employed by or acting on behalf of President Trump, his advisors, or White House officials regarding the JEDI Contract and award, Mr. Bezos, Amazon, AWS, and/or the *Washington Post*.

8. Please identify and describe all interactions between President Trump, his advisors, White House officials, and/or any individuals employed by or acting on behalf of President Trump, his advisors, or White House officials, with DoD regarding the JEDI program, contract, solicitation, and/or award.

9. Please identify and describe all interactions between DoD and any offeror (or potential offeror) of the JEDI solicitation that relate to Mr. Bezos, Amazon, AWS, and/or President Trump.

Dated: January 17, 2020

By: 
Kevin P. Mullen
MORRISON & FOERSTER LLP
2000 Pennsylvania Ave., N.W.
Washington, DC 20006-1888
Telephone: 202.887.1500
Facsimile: 202.887.0763

*Attorney of Record for Plaintiff
Amazon Web Services, Inc.*

Of Counsel:

J. Alex Ward
Daniel E. Chudd
Sandeep N. Nandivada
Caitlin A. Crujido
Alissandra D. Young
MORRISON & FOERSTER LLP
2000 Pennsylvania Ave., N.W.
Washington, DC 20006-1888

Andrew S. Tulumello
Daniel P. Chung
GIBSON, DUNN & CRUTCHER LLP
1050 Connecticut Ave., N.W.
Washington, D.C. 20036-5306

Theodore J. Boutrous, Jr.
Richard J. Doren
Eric D. Vandavelde
GIBSON, DUNN & CRUTCHER LLP
333 South Grand Ave.
Los Angeles, CA 90071-3197

EXHIBIT C

[REDACTED]

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
BID PROTEST**

AMAZON WEB SERVICES, INC.,

Plaintiff,

v.

UNITED STATES OF AMERICA,
by and through the U.S. Department of Defense,

Defendant,

and

MICROSOFT CORPORATION,

Defendant-Intervenor.

Case No. 19-cv-01796

Judge Campbell-Smith

REDACTED VERSION

**PLAINTIFF AMAZON WEB SERVICES, INC.'S
FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS**

Pursuant to Rule 34 of the Rules of the Court of Federal Claims and this Court's order(s), Plaintiff Amazon Web Services, Inc. ("AWS") hereby requests that within fourteen (14) days of the date of service of this document, Defendant United States, by and through the United States Department of Defense ("DoD"), answer the following requests for production of documents. All terms not defined herein shall have the meaning as set forth in AWS's Renewed Motion to Supplement the Administrative Record. AWS propounds this First Set of Requests for Production of Documents without waiver of its right to propound additional requests for production as authorized by the applicable rules and the Court's order(s).

REQUESTS²

1. Please produce all drafts, memoranda, notes, revisions, working documents, analyses, and other materials relating to the JEDI contract, solicitation, and/or award, including all analyses and evaluations of proposals submitted.
2. Please produce all documents and communications relating to the evaluation and analysis of results from any demonstration presented by AWS or Microsoft.
3. Please produce all communications, and documents relating to communications, between any member of the SSA, SSAC, and/or SSEB on the one hand, and any individual who is not a member of the SSA, SSAC, and/or SSEB on the other hand, concerning the JEDI contract, solicitation, and/or award.
4. Please produce all communications, and documents relating to communications, involving any member of the SSA, SSAC, and/or SSEB concerning President Trump, his advisors, White House officials, and/or any individuals employed by or acting on behalf of President Trump, his advisors, or White House officials.
5. Please produce all documents and communications relating to any review, evaluation, and/or analysis of potential conflicts of interest regarding the JEDI solicitation, contract, and/or award.
6. Please produce all communications, and documents relating to communications, between DoD and President Trump, his advisors, White House officials, and/or any individuals

² For the purposes of these requests, “documents” and “communications” include, without limitation, every writing or record of whatever type, form, or description, including all drafts of such, and including but not limited to any electronically stored data, communications, or paper documents (including all metadata, embedded, hidden, and other bibliographic or historical data describing or relating to the document or communication). “Documents relating to communications” includes, without limitation, calendars, meeting agendas, notes, or minutes, concerning all appointments, telephone calls, conferences, and/or other meetings.

employed by or acting on behalf of President Trump, his advisors, or White House officials, relating to the JEDI solicitation, contract, and/or award.

7. Please produce all communications, and documents relating to communications, between DoD and President Trump, his advisors, White House officials, and/or any individuals employed by or acting on behalf of President Trump, his advisors, or White House officials, relating to Mr. Bezos, Amazon, AWS, the *Washington Post*, and/or the JEDI solicitation, contract, or award.

8. Please produce all communications, and documents relating to communications, between DoD and President Trump, his advisors, White House officials, and/or any individuals employed by or acting on behalf of President Trump, his advisors, or White House officials, relating to Oracle, IBM, Microsoft, and/or any other offeror (or potential offeror) for the JEDI solicitation.

9. Please produce all documents and communications relating to the JEDI solicitation, contract, and/or award that reference President Trump, his advisors, White House officials, and/or any individuals employed by or acting on behalf of President Trump, his advisors, or White House officials.

10. Please produce all documents and communications concerning any of President Trump's tweets, the phrases "screw Amazon," "Bezos Bailout," "No Bid Bezos," and/or the "Amazon Washington Post," and/or Guy M. Snodgrass and/or his book, *Holding the Line: Inside Trump's Pentagon with Secretary Mattis*.

Dated: January 17, 2020

By:



Kevin P. Mullen
MORRISON & FOERSTER LLP
2000 Pennsylvania Ave., N.W.
Washington, DC 20006-1888
Telephone: 202.887.1500
Facsimile: 202.887.0763

*Attorney of Record for Plaintiff
Amazon Web Services, Inc.*

Of Counsel:

J. Alex Ward
Daniel E. Chudd
Sandeep N. Nandivada
Caitlin A. Crujido
Alissandra D. Young
MORRISON & FOERSTER LLP
2000 Pennsylvania Ave., N.W.
Washington, DC 20006-1888

Andrew S. Tulumello
Daniel P. Chung
GIBSON, DUNN & CRUTCHER LLP
1050 Connecticut Ave., N.W.
Washington, D.C. 20036-5306

Theodore J. Boutrous, Jr.
Richard J. Doren
Eric D. Vandavelde
GIBSON, DUNN & CRUTCHER LLP
333 South Grand Ave.
Los Angeles, CA 90071-3197